

November 4, 2004

November Fourth

20-----04

The regular November Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (8).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Government Affairs Todd M. Yeatts, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Transportation Services Director Marc Adelman, Human Services Director Gwen Edwards, and Planning Director Kenny Gillie.

Mayor Hamlin presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Pete Castiglione offered the Invocation. The Pledge of Allegiance to the Flag followed.

#### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Hamlin recognized Vice-Chairman of the Danville-Pittsylvania Community Services Board Wayne Oakes. Mr. Oakes presented the 2004 Annual Report to Council. Mr. Oakes' report contained information about consumer services, utilization statistics and budgetary revenues and expenses. Mr. Oakes' said the major focus in this year's report was on the fifteen (15) men and women from Danville and Pittsylvania County, who serve the area as members of the Community Services Board of Directors. Seven (7) are appointed by City Council and eight (8) are appointed by the Pittsylvania County Board of Supervisors. These members plan, direct, or oversee the public mental health, mental retardation, substance abuse, and the prevention services system in both the City and the County. Mr. Oakes advised that through volunteer efforts of the Board and Virginia Code Section 37.1, Danville-Pittsylvania Community Services has been able to multiply the \$158,744 received from the City of Danville and the \$134,456 received from Pittsylvania County into a \$9.6 million budget. He said with the nearly \$10 million, which is largely reinvested in the City and County, the agency served 3,376 different individuals during the past fiscal year along with 5,349 individuals involved in the agency's prevention services.

Mr. Oakes advised that through the collaborative efforts of the Danville-Pittsylvania Community Services, Danville Regional Medical Center (DRMC), and Southern Virginia Mental Health Institute (SVMHI), a public/private partnership had been developed. He said that those individuals needing acute psychiatric hospitalization were now being

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admitted to DRMC for short-term care and those needing longer care were being admitted to SVMHI. The partnership reduces the need for consumers to leave the area for care when SVMHI is at capacity.

Mr. Oakes expressed his appreciation for being selected by City Council to serve on the Board. He recognized and acknowledged the presence of Board Members Al Newman, and Tom Cox, and Executive Director Lenard Lackey, and Tom Howard, Director of Administrative Services. He recognized former Board Member Arlene Creasy, who was also in attendance.

Council Member Archie, a former Member of the Board, expressed pleasure at how the Board had made the money multiply. Mrs. Archie said that meant Mr. Lackey, Mr. Howard, and other staff members were exercising excellent stewardship over the funds.

Council Member Castiglione expressed appreciation for the agency's assistance with the United Way organization in developing criteria for fund-raising this year.

Mayor Hamlin thanked Mr. Oakes for recognizing the volunteers, who work very hard to make the organization a successful one. He requested that Mr. Oakes express those sentiments to the entire Board.

### **MINUTES**

Upon Motion by Council Member Daniels and second by Council Member Smith, Minutes of the October 19, 2004 Regular Meeting and October 19, 2004 Work Session were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

### **PUBLIC HEARING - BUDGET AMENDMENTS-FY 2004-2005**

Mayor Hamlin opened the floor for a Public Hearing to consider amendments to the Fiscal Year 2004-2005 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 28, 2004. No one present desired to be heard and the Public Hearing was closed.

Mayor Hamlin announced the following budget amendments had been previously discussed by City Council, introduced for First Reading, and would be further considered in the Public Hearing. After the Public Hearing was closed, there would be no separate discussion on the items and they would be enacted by one Motion. He said that if a Council Member or citizen desires discussion on an item, the item would be removed from the consent process and considered separately. No item was removed.

### **BUDGET ADOPTION-FY 2004-2005- KNIGHT CELOTEX INCENTIVES**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.09 presented by its First Reading on October 19, 2004 amending

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the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing revenues from the General Fund for a City Technology Enhancement Grant for the Knight Celotex Expansion Incentive Package for a total appropriation in the amount of \$50,000 and appropriating the same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **BUDGET ADOPTION - FY 2004-2005 - AIRSIDE INDUSTRIAL PARK**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.12 presented by its First Reading on October 19, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for a loan to the Industrial Development Authority for the construction of a 62,000 square foot building in the Airside Industrial park in the amount of \$1,600,000 from the General Fund Balance and appropriating the same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-2005- AIRPORT PROPERTY MAINTENANCE**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.13 presented by its First Reading on October 19, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for a State Department of Aviation Grant for maintenance of certain Airport properties and materials in the amount of \$119,853 and for a local share in the amount of \$26,511 for a total appropriation of \$146,364 and appropriating same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-2005- AIRPORT TAXIWAY "E"**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.14 presented by its First Reading on October 19, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for State and Federal Grant Funds for the partial rehabilitation of Taxiway "E" in the amount of \$255,780 and the local share of \$5,220 for a total appropriation of \$261,000 was adopted by the following vote:

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VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-2005- LITTER CONTROL & RECYCLING**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.15 presented by its First Reading on October 19, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to anticipate grant funds from the Commonwealth of Virginia for Litter Control and Recycling efforts in the amount of \$7,516 and appropriating same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **BUDGET ADOPTION-FY 2004-2005- FORCE MAIN & PUMP STATION**

Upon Motion by Council Member Daniels and second by Council Member Smith, Ordinance No. 2004-10.09 presented by its First Reading on October 19, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing certain revenues within the Wastewater Capital Improvements Fund to provide for the construction of Force Main and Pump Station to serve the Pittsylvania/Danville Joint Industrial Park and the Virginia International Raceway in the amount of \$700,000 and appropriating the same was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **CODE AMENDMENT-TAX EXEMPT STATUS FOR PROPERTY TAXES**

Mayor Hamlin recognized Council Member Sherman Saunders, who chaired the Special Committee regarding policies and procedures for the consideration of property tax exemptions for charitable organizations. Mayor Hamlin had set up the committee following a request to City Council from the local Goodwill store to be granted tax-exempt status.

Mr. Saunders thanked Committee Members Phillip Smith and Neal Ragsdale as well as City staff members Lyle Lacy and Clarke Whitfield. He submitted the following report to Council Members:

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“On Wednesday, September 8, 2004 and Thursday, October 21, 2004, Council’s Special Committee for the consideration of policies and procedures for property tax exemptions for charitable organizations met. Those in attendance included Council Members Sherman Saunders and Phillip Smith, Neal Ragsdale, and City Staff Members Lyle Lacy and Clarke Whitfield.

The Committee began with a general discussion of the merits and cost of the practice of exempting certain properties from taxation. That discussion, however, was short lived, with the acknowledgement that approximately 18% of real property value within the City was already classified in a tax-exempt status; almost half of that total includes property used for religious, charitable or educational purposes. Specifically, of a total value of \$2.15 billion in real property value, \$382 million is classified as exempt. Of the exempt property, \$205 million was governmental (Federal, State, Local, etc.), and \$177 million was religious, charitable, educational, or other.

The Committee reviewed the State statute adopted following the constitutional amendment, which shifted the responsibility for determined tax exemptions to local government. The State statute permits, but does not require, the exemption of local property taxes. Following a rather detailed review of that statute, the Committee determined that they would propose for City Council’s consideration, an amendment to the Danville City Code acknowledging Council’s willingness to consider applications for property tax exemptions.”

Mr. Saunders advised an application form had been developed, addressing essentially the twelve (12) questions that the Committee believed met State requirements for entities requesting tax-exempt status. The application form was distributed to Council Members prior to the meeting for review.

Council Member Saunders moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-11.01

AN ORDINANCE AMENDING CHAPTER 37 OF THE DANVILLE CITY CODE BY ADDING A NEW SECTION PERMITTING CITY COUNCIL TO CONSIDER APPLICATIONS FROM NON-PROFIT ORGANIZATIONS SEEKING TAX EXEMPT STATUS.

Council Member Smith seconded the Motion.

Council Member Luther called attention to Question No. 12 on the application, which reads, “Does any part of the net earnings of the property owner inure to the benefit of any individual?” Mr. Luther felt that if the applicant marked a “yes” answer, then it should be indicated on the application that the individual(s) is. City Attorney Whitfield agreed that it would be good to do so in order to keep track of the exempt status. At the request of Mayor Hamlin, Mr. Whitfield agreed to revise the application form to reflect that change.

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Vice-Mayor Williams asked for clarification on a couple of issues. He said it was his understanding that an application is submitted, but that City Council has to vote to grant the exemption. Further, it was his understanding the purpose of the application was to ensure that Council would not be granting an exemption to an organization that could profit from the exemption. Dr. Williams said Council would also seek to ensure that the exemption was given to an organization that was of benefit to the community as a whole, since a tax exempt status places the burden on remaining taxpayers in the City.

Council Member Saunders said Dr. Williams' understanding was the intent of the Committee. He further stated that State Code required all questions on the application.

Mr. Saunders said if a Council Member desired further clarification, State Tax Commissioner Ken Thorson would be in Danville on Friday evening to be the keynote speaker at the Annual Meeting of the Pittsylvania County Community Action Agency. Mr. Saunders said the meeting would begin at 7:00 p.m. and would be held at the Ramada Inn Stratford Conference Center.

The Ordinance was adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

#### **APPOINT LIBBY SPAINHOUR TO DCC BOARD OF TRUSTEES**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

#### **RESOLUTION NO. 2004-11.01**

**A RESOLUTION APPOINTING ELIZABETH S. SPAINHOUR AS A MEMBER OF THE DANVILLE COMMUNITY COLLEGE BOARD OF TRUSTEES.**

Council Member Archie seconded the Motion.

Council Member Castiglione, an employee of Danville Community College, abstained from voting due to a potential for conflict of interest.

The Resolution was adopted by the following vote:

VOTE: 7-0  
AYE: Archie, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (7).  
NAY: None (0).  
ABSTAIN: Castiglione (1).

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**REAPPOINT RUSS CUTHBERT TO IDA**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-11.02

A RESOLUTION REAPPOINTING RUSSELL W. CUTHBERT AS A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

**REAPPOINT HAPPY SLAYTON TO IDA**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-11.03

A RESOLUTION REAPPOINTING HENRY I. "HAPPY" SLAYTON, JR. AS A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

**HEARING – SPECIAL USE PERMIT – 2855 RIVERSIDE DRIVE**

Mayor Hamlin opened the floor for a Public Hearing to consider a request for a Special Use Permit to construct a truck parking and loading area in the floodplain at 2855 Riverside Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 21 & 28, 2004.

Fred Shanks appeared on behalf of the applicant, Value City. He advised the applicant had applied for the permit to add additional paved area to the existing paved truck loading area behind the Value City Store.

No one further desired to be heard and the Public Hearing was closed.

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Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-11.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO CONSTRUCT A TRUCK PARKING AND LOADING AREA IN THE FLOODPLAIN AT 2855 RIVERSIDE DRIVE.

The Motion was seconded by Council Member Smith and adopted by the following vote.

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

**HEARING-REZONE 4,200 SQ. FT. - 633 NEWTON STREET**

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone a portion of 633 Newton Street, approximately 4,200 square feet. Notice of the Public Hearing had been duly published in the Danville Register and Bee on October 21 & 28, 2004.

Clement & Wheatley Attorney Trevor Moe appeared on behalf of the applicant, Wilco, Inc. The organization is requesting that an approximate 4,200 square foot portion of 633 Newton Street be rezoned from CB-C Central Business Commercial District to OT-R, Old Town Residential District. The rezoning would allow for consolidation with an adjacent lot that is zoned OT-R.

No one further desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-11.03

AN ORDINANCE REZONING FROM CB-C CENTRAL BUSINESS COMMERCIAL TO OT-R OLD TOWN RESIDENTIAL, A PORTION OF 633 NEWTON STREET, APPROXIMATELY 4,200 SQUARE FEET.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote.

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).



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Upon Motion by Vice-Mayor Williams and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2004-11.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF AVIATION FOR TERMINAL BUILDING IMPROVEMENTS IN THE AMOUNT OF \$200,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$50,000 FOR A TOTAL APPROPRIATION OF \$250,000 AND APPROPRIATING SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

**AIRPORT CAPITAL IMPROVEMENT GRANT - DEPT. OF AVIATION**

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-11.04

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS FROM THE VIRGINIA DEPARTMENT OF AVIATION FOR AN AIRPORT CAPITAL IMPROVEMENT GRANT AT THE DANVILLE REGIONAL AIRPORT TO COMPLETE TERMINAL BUILDING IMPROVEMENTS.

The Motion was seconded by Council Member Archie and adopted by the following vote:

VOTE: 8-0  
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Saunders,  
Smith, and Williams (8).  
NAY: None (0).

**BUDGET AMENDMENT-FY 2004-05-COMPREHENSIVE SERVICES ACT**

Upon Motion by Council Member Archie and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-11.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$2,343,427

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was presented by its First Reading, as required by City Charter, to lie over before final adoption.

### **COMMUNICATIONS**

City Manager Gwaltney said he was pleased to announce that an \$8,000,000 expansion of Nestle' was forthcoming. The expansion will provide 50 new jobs at the company, bringing the total number of Nestle' employees to 500. Mr. Gwaltney said the City had enjoyed a very good relationship with the company. Training funds for the project will come from the State and City Council expects to authorize a special grant of approximately \$150,000. Mr. Gwaltney thanked Governor Warner, the State Department of Economic Development, and the City's Economic Development Staff for support in bringing this project to fruition.

Mr. Gwaltney responded to a request from Council Member Daniels relating to the operation of mopeds or similar vehicles in the City. Mr. Gwaltney said he had met with Mr. Daniels and Police Chief Broadfoot today to discuss these issues. They agreed there were reasonable things that could be done as far as regulating the operation of such vehicles, but Mr. Gwaltney said the laws were regulated by the State and the City could only do so much.

Mr. Gwaltney said he had asked Chief Broadfoot meet with the City Attorney to develop a proposal for Council consideration.

Mayor Hamlin suggested that our local legislators look into the matter. Mr. Gwaltney said it was hoped the local newspapers would cooperate in getting the laws relating to the operation of mopeds out before the public. Chief Broadfoot, who is president of the State Police Chief's Association, has offered to take the matter to the Association for consideration.

In response to Council Member Luther, City Manager Gwaltney responded that there are three (3) specific things that were being researched further: 1) licensing, 2) requiring a helmet, and 3) having a shield or wearing goggles.

Council Member Archie said she had received phone calls relating to a recent moped accident. She said she was told that youngsters were racing up and down streets on mopeds, which was disrupting traffic and that the youngsters were ignoring traffic lights.

Mr. Daniels asked Mr. Gwaltney to research the City's liability should one of these vehicles become involved with a City vehicle.

Mr. Gwaltney said he had recently sent a letter to Dr. Sue Davis, Interim Superintendent of City Schools, requesting a joint meeting between the School Board and City Council. Mr. Gwaltney said he felt Council should have a report on School Capital Improvements. A date during the early part of December is being requested.

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There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

### **ROLL CALL**

Each Council Member extended birthday wishes to Mayor Hamlin, who was celebrating his birthday today.

Mrs. Archie said there was an outgrowth of the Danville-Pittsylvania Community Services called Substance Abuse and Prevention. Mrs. Archie said she was a member of the group. Mrs. Archie said that on October 26, she announced that it was "Family Eat Together Night." She said the group felt that the more families ate together, the less problems there would be in other areas. She asked families to make it a habit to eat together in order to prevent other habits.

Council Member Castiglione announced that the City of Danville would be host to over 360 student leaders representing 23 community colleges in the State and 40 campuses. He said the conference would be held at the Institute from Friday afternoon through Sunday afternoon. Mr. Castiglione said being able to bring the conference to Danville and the Institute was a reminder of the cooperation between the City and Pittsylvania County.

Council Member Daniels said it had been brought to his attention that improper work on automobiles had been going on in certain areas of the City. Mr. Daniels said that the Code as it was written made it almost impossible to enforce. He said that by rearranging the language just a little could make enforcement possible. He asked Mr. Gwaltney to look into the matter with the Planning Department.

Mr. Daniels recalled that he had made a request several meetings ago about the mail delivery service on Piney Forest. Mr. Daniels said he had received a letter from the Postal Service, which said a representative would be in Danville soon. Mr. Gwaltney agreed to meet with the representatives when they arrived.

Mayor Hamlin thanked City Manager Gwaltney and Nestle' Plant Manager Don Nodtvedt for their efforts in bringing about the Nestle' expansion.

Mayor Hamlin recalled he and remaining Council Members had been challenged by Council Member Luther to donate \$100 to the Headstart construction fund. Mayor Hamlin presented his check to Mr. Luther.

Mayor Hamlin announced he had attended a luncheon today hosted by the Community Foundation. He said there were over 200 individuals present for the event, who came from Pittsylvania County, Halifax County, Caswell County and the City of Danville. He said it was remarkable that the foundation, over an 8-year period, had grown from assets of \$179,000 to \$12,164,000.

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Council Member Luther commended Nestle' on its expansion and encouraged everyone to eat Toll House Cookies, which are produced by Nestle'.

Council Member Saunders reported that he and Council Member Smith were recently involved in Disability Awareness Day. He thanked the Piedmont Assisted Living Center for hosting the event and making everyone aware of obstacles the disabled face on a daily basis.

Mr. Saunders reminded everyone of the Annual Meeting of Pittsylvania County Community Action Agency, which would be held at the Ramada Inn Stratford Conference Center on Friday, November 5 beginning at 7:00 p.m. He announced the Keynote Speaker would be State Tax Commissioner Ken Thorson.

Council Member Smith reminded everyone of the Veterans' Day Parade that would be held in Downtown Danville on Sunday, November 7, beginning at 2:30 p.m.

Mr. Smith advised the Utility Department would hold a workshop at the Pepsi Building on Thursday, November 18, 9:30 a.m. on interesting and informative ways to conserve energy.

Mr. Smith recognized and commended former Danville Redevelopment and Housing Authority Board Member Harold Williams. Mr. Williams, who was a 12-year member and served as chairman, is no longer on the Board because of term limitations.

Vice-Mayor Williams advised that November 8, 2004, 5 p.m. was the deadline for receiving applications for the City Council seat left vacant by the October 8, 2004 resignation of Buddy Rawley. Dr. Williams said interviews were scheduled to be held on Wednesday, November 10, 2004, 6:00 p.m. and Thursday, November 11, 2004, 6:00 p.m.

The Meeting adjourned at 7:55 P.M.

(Clerk's Note: An abstract of votes for the November 2, 2004 Presidential Election is attached to and made a part of these Minutes and on file in the Office of the Clerk).

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MAYOR

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CLERK

November 4, 2004